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E-FILED: August 12, 2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:) Case No. BKS-08-17073-LBR
) Chapter 13
)
)
Derrick Kimbrell,) Hearing Date: August 26, 2009
) Hearing Time: 10:30 AM
)
Debtor(s).)
)
)

DEBTOR'S NON-OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY AND REQUEST FOR RENOTICING
UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149
EFFECTIVE JULY 1, 2009)

COMES NOW, Derrick Kimbrell, by and through attorney, George Haines, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATES HOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-08's** ("Creditor") Motion For Relief From Automatic Stay states as follows:

1. On June 29, 2008, Debtor filed the current Chapter 13 Petition in Bankruptcy with the Court.
2. Debtor's Counsel has attempted to contact Debtor however Counsel is not in a position to proffer evidence to this Court at this time to oppose Creditor's motion.

3. However, on the filing date Debtor believed that the asset securing THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATES HOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-08's was necessary to the Debtor's effective reorganization.

4. Accordingly, Debtor requests that in event new evidence is available to rebut Creditor's request for relief from stay that the Court permit the Debtor (or Counsel for the debtor) to appear and speak at the relief from stay hearing in this matter.

5. In the event no new evidence is presented at the hearing and this Court is inclined to grant secured creditor's request for relief from the automatic stay, the Debtor requests that Your Honor require Secured Creditor to renote (or notice) any pending foreclosure action(s) under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable. Pursuant to NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) Secured Creditor is required to provide debtor a notice of election to enter into court mandated mediation in the event Secured Creditor desires to recommence foreclosure proceedings.

Dated: August 12, 2009

/s/ David Krieger, Esq.
Attorney for Debtor(s)

CERTIFICATE OF MAILING RE:
DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY

I hereby certify that on August 12, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/George Haines, Esq.
Attorney for Debtor

Gregory L. Wilde
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